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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 17th January, 2025.

No.LL(B).204/84/Pt/5. – The Meghalaya Town and Country Planning (Amendment) Ordinance, 2025 (Ordinance No. 1 of 2025) is hereby published for general information.

MEGHALAYA ORDINANCE NO. 1 OF 2025

Promulgated by the Governor on the 16th January, 2025.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 17th January, 2025.

THE MEGHALAYA TOWN AND COUNTRY PLANNING (AMENDMENT) ORDINANCE, 2025

AN

ORDINANCE

further to amend the Meghalaya Town and Country Planning Act, 1973.

Whereas, the Legislative Assembly of Meghalaya is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action:

Now, therefore, in exercise of the powers conferred by clause (I) of Article 213 of the Constitution, the Governor of Meghalaya is pleased to promulgate in the Seventy fifth Year of the Republic of India the following Ordinance, namely. -

Short title, extent and commencement

1. (1) The Act may be called the Meghalaya Town and Country Planning (Amendment) Ordinance, 2025.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force at once.

Amendment of section 2 of Meghalaya Town and Country Planning Act, 1973.

2. After sub-section (16) of section 2, new sub-sections shall be inserted as follows:

"(17) 'Town and Country Planning Scheme' means a layout plan for a particular area within the designated planning area, conceived within the framework of the Master Plan. If any, providing detailed proposals, indicating the manner in which the use of land and development therein shall be carried out."

(18) 'Town and Country Planning Officer' means the Officer not below the rank of the District Urban Planner appointed by the State Government."

(19) 'Local Area Committee' means a Committee notified by the State Government for advising the Town and Country Planning Officer to plan, design, and implement the Town and Country Planning Scheme."

(20) 'The Director' means the Director of Urban Affairs Department, Government of Meghalaya."

(21) 'Tradeable Development Right' means a development right to trade the potential of a plot designated for a public purpose in a plan under this Act, expressed in terms of total permissible built-up space calculated on the basis of Floor Area Ratio (FAR) allowable for that plot, for utilization by the owner himself or by way of trade by him to someone else from the present location to a specified area in the plan as additional built-up space over and above the permissible limit *in lieu* of compensation for providing land for development projects as part of the Town and Country Planning Scheme."

Amendment of
Chapter IV.

3. After Chapter IV, a new Chapter IV A, with a title “Town and Country Planning Scheme” shall be inserted as follows:

(1) “21 A. Constitution of the Local Area Committee:

- (1) The State Government may constitute and notify Local Area Committee(s) for each Town and Country Planning Scheme under the provision 8D of this Act.
- (2) Each Local Area Committee shall consist of representative from area selected for implementation of the scheme, government officials from relevant departments and qualified professionals as shown in the following table.

1.	Director or Joint Secretary of Urban Affairs Department	Chairperson
2.	Town and Country Planning Officer	Member Secretary
3.	Members from the Office of Deputy Commissioner	Member
4.	Members of the Autonomous District Council	Member
5.	Members of the Local Traditional Institutions and community	Member
6.	Officials from key departments like Revenue and Law Department, Public Works Department, Power Department, Public Health Engineering Department, etc.	Member

- (3) The Local Area Committee shall be responsible to advise the Town and Country Planning Officer to plan, design, and implement the Town and Country Planning Scheme within their respective jurisdictions.

Notes:

The Constitution of India, under the Sixth Schedule, ensures that tribal communities retain control over their land and resources in the State. This creates a unique land tenure system wherein majority share of the land is owned by the tribal communities and there exists strict provisions relating to land transfer as stipulated by the Meghalaya Transfer of Land (Regulation) Act, 1971. Therefore, to ensure cohesive development of the Town Planning and Country Scheme, participation of the tribal communities and the Local Traditional Institutes is crucial.”

- (2) “21 B. Preparation of Town and Country Planning Scheme:
- (1) Subject to the provisions of this Act or any other law for the time being in force, the final Master Plan shall be notified by the State Government in the Official Gazette for the purpose of implementing the proposals contained in the plan.
 - (2) The Government shall prepare one or more Town and Country Planning Scheme for any part of the area.”
- (3) “21 C. Appointment of Town and Country Planning Officer:
Before the constitution of the Local Area Committee for any Town Planning Scheme, the State Government shall appoint the Town and Country Planning Officer to discharge his functions as mentioned in the aforementioned section.”
- (4) “21 D. Roles and responsibilities of the Town and Country Planning Officer:
- (1) The Town and Country Planning Officer(s) shall be responsible for the preparation of Town and Country Planning Scheme including, but not limited to,
 - a. Conducting surveys and collating relevant cadastral data necessary for the preparation of the base map.
 - b. Preparation of base map for the Town and Country Planning Scheme area.
 - c. Holding public hearings inviting objections and suggestions or stakeholder consultation meetings with various stakeholders such as individual plot holders, local representatives and traditional institutions as required.
 - d. Preparation of the layout plan and reconstitution of plots adhering to the applicable planning statutes and guidelines.
 - e. Preparation of financial plan, mechanisms for levy of betterment charges and compensation payment as applicable.
 - f. Act as the nodal officer for the Town and Country Planning Scheme for all the coordination and communication between the public and the Director or Local Area Committee.
 - (2) The Town and Country Planning Officer(s) shall act as the member secretary of the Local Area Committee(s) accordingly.”
- (5) “21 E. Identification and Delineation Town and Country Planning Scheme Area:
The Town and Country Planning Officer in consultation with the Local Area Committee shall:
- (a) Identify the purpose of the Town and Country Planning Scheme such as green-field development, brown-field

redevelopment, development of infrastructure and amenities, special purpose development, etc.

- (b) Delineate the Town and Country Planning Scheme Area based on the current development of the area, Master Plan, and the demand for development in the area.
- (c) Delineate the Town and Country Planning Scheme area boundaries based on the natural or physical barriers within the defined boundaries.”

(6) “21 F. Survey and Preparation of Base Map:

The Town and Country Planning Officer in consultation with the Local Area Committee shall conduct the necessary surveys to map the physical, natural, man-made/built features and prepare the Base Map in accordance with the Revenue Records and its reconciliation.”

(7) “21 G. Declaration of intent to prepare Town and Country Planning Scheme:

- (1) After reconciliation and consultation with the Local Area Committee, the Town and Country Planning Officer may, by a resolution, declare its intention to create Town and Country Planning Scheme to the Director.

- (2) The State Government shall publish the declaration in the form of a notice in at least two local newspapers.

- (3) The declaration published under sub-section (2) above shall contain the following, namely:

- (a) The resolution of the Local Area Committee declaring its intention to prepare a Town and Country Planning Scheme.

- (b) The name of the place or places as well as the copy of the plan showing the boundary of the area to be included in the Town and Country Planning Scheme shall be open for inspection of the public during office hours.

- (4) The Director shall forward a copy of the resolution together with the notice and the plan as indicated in sub section (3) above to the State Government.”

(8) “21 H. Contents of Town and Country Planning Scheme:

- (1) A Town and Country Planning Scheme may have detailed proposals, including but not limited to the following matters, namely: -

- (a) establishment of new housing, development scheme for different income groups including housing for economically weaker sections of the society, destitute, women and children in distress, disabled, physically challenged. senior citizens etc.;

- (b) establishment of commercial centers, including specialized markets, wholesale and retail trade centers;
 - (c) establishment of tourist centers and tourism related infrastructure;
 - (d) establishment of industries, industrial estates. Factories, service industries etc;
 - (e) development and landscaping of open spaces, recreational grounds. parks, zoological and botanical. gardens and social forestry;
 - (f) conservation of ecologically sensitive areas;
 - (g) protection of environmentally sensitive areas ;
 - (h) conservation of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes;
 - (i) proposals for natural hazard prone areas;
 - (j) resettlement, rehabilitation and up-gradation of slum areas;
 - (k) provision of health care, religious, cultural and educational facilities;
 - (l) construction, reconstruction, alteration, improvement and maintenance of public roads and streets, bridges, utilities, pedestrian facilities, safe path for the cycle-riding, parking facilities, transport terminals including bus depots, bus bays, bus stops, street lighting and avenue plantation, improvement of road junctions;
 - (m) provision of public transportation including mass transportation;
 - (n) informal sectors;
 - (o) creation / reconstitution / redistribution of land for any public purpose usage
 - (p) such other matters not inconsistent with the objects of this Act, as may be considered necessary.
- (2) In addition to the above sub-section (1), the Town and Country Planning Scheme shall contain details, as far as may be applicable in respect of:-
- (a) land assembly over which the Town and Country Planning Scheme is to be implemented;
 - (b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated; the subdivision of plots, the discontinuance

of objectionable uses of land in any area in reasonable periods. floor area ratio, coverage, height, parking space, the size of projections and advertisement signs and hoardings;

- (c) total estimated cost, source of funding, cost recovery statement, if any;
- (d) manner of disposal of assets, if any;
- (e) management and maintenance mechanism; and
- (f) any other matters as may be considered necessary for ensuring planned development.”

(9) “21 I. Preparation of the Preliminary Town and Country Planning Scheme :

- (1) The Town and Country Planning Officer in consultation with the Local Area Committee shall conduct existing situation analysis such as analysis of, but not limited to, existing land use, proposed land use in notified Master Plan, building use and building conditions, land ownership, topography and environmental features, development suitability, infrastructure (physical and social), transport network, informal settlements and informal activities, circle rates, land transaction rates, and lease rental.
- (2) The Town and Country Planning Officer in consultation with the Local Area Committee shall plan the schematic layout considering features, including but not limited to, form-based regulations (if any), network planning, utility / infrastructure planning, street design, integration of informal activities, physical and social infrastructure, conservation of heritage / natural, affordable housing, reserve land for public purpose.
- (3) The Town and Country Planning Officer in consultation with the Local Area Committee shall reconstitute the land parcel to accommodate the features in sub-section (2) to minimize irregularities in plot shape and provide efficient plot proportions to cater to the development needs.
- (4) The Town and Country Planning Officer in consultation with the Local Area Committee shall prepare cost of preparing Town and Country Planning Scheme.
- (5) The Director shall prepare the guidelines for valuation of the land parcels, compensation, incremental value / contribution, estimate allowable Tradeable Development Rights (TDR) for Town and Country Planning Scheme as per the provisions of building byelaws. The Town and Country Planning Officer, in compliance with the guidelines notified by the Director, and in consultation with the Local Area Committee shall conduct valuation assessment

of the original plots and the reconstituted plots for the landowners and submit to the Director.

- (6) The State Government may prescribe the procedure for award of TDR and may determine the market mechanism for the TDR transactions.
 - (7) The Town and Country Planning Officer, in compliance with the guidelines notified by the Director, and in consultation with the Local Area Committee shall determine the compensation and incremental value / contribution and estimate allowable Tradeable Development Rights (TDR) as per the provisions of building byelaws (if any) for the landowners for the implementation of the Town and Country Planning Scheme.
 - (8) The Town and Country Planning Officer in consultation with the Local Area Committee shall estimate the revenue generation from sources including but not limited to, contributions, land for sale/lease, public-private partnership model, development fees, betterment fee, premium FSI/FAR (as per Meghalaya Building Byelaws), advertisement rates.
 - (9) The Town and Country Planning Officer in consultation with the Local Area Committee shall prepare a Financial Plan for the implementation of the Town and Country Planning Scheme and identify the funding sources.
 - (10) The Town and Country Planning Officer shall submit the Preliminary Town and Country Planning Scheme along with the Financial Plan to the Director.”
- (10) “21 J. Consultation and Publication of the Preliminary Town and Country Planning Scheme:
- (1) The Local Area Committee shall conduct an owners’ meeting to convey the contents of the Town and Country Planning Scheme. The Local Area Committee shall prepare a summary of all the objections and suggestions received during the owners’ meeting. The Local Area Committee shall also prepare a summary of remarks against each suggestion explaining the reason for either incorporating or not incorporating in the Preliminary Town and Country Planning Scheme.
 - (2) The Director shall publish the Preliminary Town and Country Planning Scheme within two years from the date of publishing the Intent to prepare the Town and Country Planning Scheme. Additionally, a notice of publication must appear in at least two widely circulated newspapers in the local planning area, with one being in the regional language. The notice should specify where a copy of the scheme is available for inspection and invite objections

and suggestions to be submitted within 60 days from the date of publication.

- (3) Any person aggrieved by the decision in appeal in matters referred to in sub- section (1 and 2) above, may appeal within 60 days from the date of decision as per provisions of the Section 42 of the Act.”

(11) “21 K. Preparation of the Final Town and Country Planning Scheme:

- (1) Post consultation with the owners, publication and modification of the Preliminary Town and Country Planning Scheme, the Town and Country Planning Officer in consultation with the Local Area Committee shall prepare the Final Town and Country Planning Scheme with the revised layout, costing, and financial plan.
- (2) The Town and Country Planning Officer shall submit the Final Town and Country Planning Scheme to the Director for approval and sanction from the State Government.”


(12) “21 L. Power to Sanction Town and Country Planning Scheme:

- (1) The State Government may, by notification, sanction such scheme with or without modifications or subject to such conditions as it may think fit to impose or refuse to sanction it.
- (2) The State Government may, if deem fit, by notification in the Official Gazette, return the scheme to the Director to carry out such modifications as may be directed, including the direction to include or exclude any land in question in the scheme. The Director shall comply with the directions of the State Government and shall, after following the procedure laid down under this section, submit the scheme within the specified time limit to the State Government.”

(13) “21 M. Implementation of Town and Country Planning Scheme:


- (1) Upon approval of the Final Town and Country Planning Scheme, the State Government shall allocate the funds required to implement the scheme to the Director.
- (2) The Director shall implement the sanctioned Final Town and Country Planning Scheme as per the provisions of the Principal Act.”

Dated: Raj Bhavan,
Shillong, the 16th January, 2025.



C. H. Vijayashankar,
Governor of Meghalaya.

Dated: Shillong,
The 17th January, 2025.



D. LYNGDOH,
Joint Secretary to the Govt. of Meghalaya,
Law (B) Department.